

REMARKS

Claim 1 has been amended to further clarify the invention and to remove non-elected subject matter. The subject matter cancellations are made without prejudice to the filing of continuation and/or divisional applications.

New claim 46 has been added. The new claim encompasses compounds that fall within the elected group. Support for new claim 46 can be found in original claim 29.

Claims 1, 32, 36-39, 43, and 44 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Although Applicants do not agree with the rejection, the claims have been amended in order to expedite allowance of the application. In particular, the rejection is overcome by the present amendment of the R6 and X groups. Withdrawal of the rejection is respectfully requested.

The § 112, second paragraph, rejection of claims 1, 32, 36-39, 43, and 44 as being indefinite is obviated by the present amendment of the R6 group. Withdrawal of this rejection is therefore respectfully requested.

The objection to the claims as containing non-elected subject matter is also obviated by the present claim amendments. Withdrawal of the objection is requested.

Claims 1, 32, 33, 36-39, and 43-44 continue to stand rejected under 35 U.S.C. § 112, first paragraph, as not being enabled. Without conceding the correctness of the rejection,

Applicants have amended the claims in order to expedite allowance. It is respectfully submitted that the amended claims are fully enabled.

Under the present amendment, W in claim 1 has been limited to optionally substituted phenyl, thienyl, or pyridyl. In Scheme 1 of the specification, Applicants teach how to make compounds of the invention where W is as defined therein. Specific illustrations for the synthesis of compounds where W is phenyl are provided by Examples III-VIII. Based on the generic schemes and the specific examples provided in the specification, a person of ordinary skill in the art could readily prepare compounds where W is as presently claimed.

Applicants further submit that the specification teaches how to use compounds wherein W is phenyl, thienyl, or pyridyl. At page 53, data is provided showing the biological activity of illustrative compounds. Additional biological data showing activity is provided by the attached Appendix A (discussed below). The data in the specification and the attached appendix are for compounds of the invention wherein W is phenyl. Phenyl is an aromatic ring. Thienyl and pyridyl are also aromatic rings. A person of ordinary skill in the art, therefore, would reasonably expect compounds containing thienyl and pyridyl at the W position to function analogously to compounds where W is phenyl. Thus, the claimed compounds are enabled by the specification.

Also under the present amendment, X has been limited to the groups suggested by the Office (dihydroimidazolyl and $-\text{CONR}_6\text{R}_7$) as well as to $-\text{NR}_7\text{COR}_6$. Compounds wherein X is $-\text{NR}_7\text{COR}_6$ are supported at page 6, line 18, left structure, and by examples 1 and 2.

R6 has also been limited to the groups suggested by the Office (i.e., alkyl substituted with optionally substituted phenyl and R6 and R7 together forming a six membered ring) as well as to (cycloalkyl)alkyl and cycloalkyl fused to phenyl. Support for X being cycloalkylalkyl is provided by, for example, the last compound listed on page 26. Support for X being cycloalkyl fused to phenyl can be found in the specification, at page 7, lines 16-18. Applicants also submit herewith, at Appendix A, physical and biological data for compounds wherein R₆ is cycloalkyl fused to phenyl. This data shows that such compounds can be readily prepared by a person of ordinary skill in the art, and also shows that such compounds possess the asserted biological activity.

In view of the foregoing, it is respectfully submitted that the claims are fully enabled. Reconsideration and withdrawal of the § 112, first paragraph, rejection of claims 1, 32, 33, 36-39, and 43-44 is therefore respectfully requested.

Should the Examiner believe that a discussion of this matter would be helpful, the Examiner is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

Dated: Aug. 11, 2005

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